

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 14-20117

Honorable David M. Lawson

XAVIER GIOVANNI DELEON,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on the defendant's motion for reconsideration of the Court's February 3, 2015 opinion and order denying the defendant's motion to suppress. The Court has reviewed the defendant's motion and finds that he has failed to demonstrate any palpable defect by which the Court and the parties were misled. The Court therefore will deny the motion.

Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). "Generally . . . the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court." E.D. Mich. LR 7.1(h)(3).

The defendant's motion essentially reiterates the arguments previously advanced by the defendant in his motion to suppress. The Court addressed and rejected those arguments in its prior opinion and need not do so again here. The defendant has failed to show any palpable defect in the Court's opinion and order or any error of fact or law by which the Court and parties were misled.

Accordingly, it is **ORDERED** that the defendant's motion for reconsideration [dkt. #326] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 19, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 19, 2015

s/Susan Pinkowski
SUSAN PINKOWSKI